

# COMMITTEE REPORT

## MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 6, line 28, delete "eighteen" and insert "**nine**".
- 2       Page 6, line 29, delete "(\$18,000)." and insert "**(\$9,000).**".
- 3       Page 7, line 3, delete "eighteen" and insert "**nine**".
- 4       Page 7, line 4, delete "(\$18,000)" and insert "**(\$9,000)**".
- 5       Page 7, delete lines 8 through 42, begin a new paragraph and insert:
- 6       "SECTION 16. IC 2-7-3-3 IS AMENDED TO READ AS
- 7       FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The activity
- 8       reports of each lobbyist shall include the following **information**:
- 9       (1) A complete and current statement of the information required
- 10       to be supplied under IC 2-7-2-3 and IC 2-7-2-4.
- 11       (2) ~~Total expenditures on lobbying (prorated, if necessary) broken~~
- 12       ~~down to include at least the following categories:~~
- 13        (A) ~~Compensation to others who perform lobbying services.~~
- 14        (B) ~~Reimbursement to others who perform lobbying services.~~
- 15        (C) ~~Receptions.~~
- 16        (D) ~~Entertainment, including meals. However, a function to~~
- 17        ~~which the entire general assembly is invited is not lobbying~~
- 18        ~~under this article.~~
- 19        (E) ~~Gifts made to an employee of the general assembly or a~~
- 20        ~~member of the immediate family of an employee of the general~~

1 assembly.

2 ~~(3)~~ **(2) Subject to section 3.5 of this chapter,** a statement of  
 3 expenditures and gifts ~~each expenditure~~ that equal one hundred  
 4 equals fifty dollars ~~(\$100)~~ **(\$50)** or more in one (1) day, or  
 5 expenditures that together total more than ~~five~~ **two** hundred fifty  
 6 dollars ~~(\$500)~~ **(\$250)** during the calendar year, if the expenditures  
 7 and gifts are made by the registrant or ~~his~~ **the registrant's** agent  
 8 to benefit **a specific applicable individual.**

9 ~~(A) a member of the general assembly;~~

10 ~~(B) an officer of the general assembly;~~

11 ~~(C) an employee of the general assembly; or~~

12 ~~(D) a member of the immediate family of anyone included in~~  
 13 ~~clause (A); (B); or (C).~~

14 **(4)** Whenever a lobbyist makes an expenditure that is for the  
 15 benefit of all of the members of the general assembly on a given  
 16 occasion, the total amount expended shall be reported; but the  
 17 lobbyist shall not prorate the expenditure among each member of  
 18 the general assembly.

19 **(3) Subject to section 3.5 of this chapter, a statement of**  
 20 **general expenditures.**

21 ~~(5)~~ **(4)** A list of the general subject matter of each bill or  
 22 resolution concerning which a lobbying effort was made within  
 23 the registration period.

24 ~~(6)~~ The name of the beneficiary of each expenditure or gift made  
 25 by the lobbyist or his agent that is required to be reported under  
 26 subdivision ~~(3)~~.

27 ~~(7)~~ **(5)** The name of each member of the general assembly from  
 28 whom the lobbyist has received an affidavit required under  
 29 IC 2-2.1-3-3.5.

30 (b) In the second semiannual report, when total amounts are  
 31 required to be reported, totals shall be stated both for the period  
 32 covered by the statement and for the entire reporting year.

33 ~~(c) An amount reported under this section is not required to include~~  
 34 ~~the following:~~

35 ~~(1) Overhead costs.~~

36 ~~(2) Charges for any of the following:~~

37 ~~(A) Postage.~~

38 ~~(B) Express mail service.~~

- 1           ~~(C) Stationery.~~
- 2           ~~(D) Facsimile transmissions.~~
- 3           ~~(E) Telephone calls.~~
- 4           ~~(3) Expenditures for the personal services of clerical and other~~
- 5           ~~support staff persons who are not lobbyists.~~
- 6           ~~(4) Expenditures for leasing or renting an office.~~
- 7           ~~(5) Expenditures for lodging, meals, and other personal expenses~~
- 8           ~~of the lobbyist.~~

9           SECTION 17. IC 2-7-3-3.5 IS ADDED TO THE INDIANA CODE  
 10          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 11          JANUARY 1, 2011]: **Sec. 3.5. The following rules apply to reporting**  
 12          **expenditures:**

13           **(1) If an expenditure can clearly and reasonably be attributed**  
 14           **to a particular applicable individual, the expenditure must be**  
 15           **reported with respect to that particular individual and may**  
 16           **not be included as part of a general expenditure.**

17           **(2) A report of an expenditure with respect to a particular**  
 18           **applicable individual:**

19           **(A) must report actual amounts to the extent practicable;**  
 20           **and**

21           **(B) may not allocate to the particular applicable individual**  
 22           **a prorated amount derived from an expense made with**  
 23           **respect to several applicable individuals.**

24           **(3) The report of an expenditure with respect to a particular**  
 25           **applicable individual may not include any amount that the**  
 26           **particular applicable individual contributed to the**  
 27           **expenditure.**

28           **(4) If an expenditure cannot clearly and reasonably be**  
 29           **attributed to a particular applicable individual, the**  
 30           **expenditure must be reported as a general expenditure in one**

31           **(1) of the following categories:**

32           **(A) Compensation to others who perform lobbying**  
 33           **services.**

34           **(B) Reimbursement to others who perform lobbying**  
 35           **services.**

36           **(C) Payment for the cost of receptions, entertainment, and**  
 37           **meals.**

38           **(D) Gifts.**

1           (E) Any other category that the commission prescribes by  
2           rule.

3           **(5) An activity report must report expenditures for a function**  
4           **or activity to which any of the following are invited:**

5               (A) All members.

6               (B) All members of a standing or other committee  
7               established by the rules of the house of representatives or  
8               the senate.

9               (C) All members of a study committee established by  
10              statute or by the legislative council.

11           **Expenditures reported for a function or activity described in**  
12           **this subdivision may not be allocated and reported with**  
13           **respect to a particular applicable individual unless the**  
14           **particular expenditure can clearly and reasonably be**  
15           **allocated to the particular applicable individual.**

16           **(6) If two (2) or more lobbyists contribute to an expenditure,**  
17           **each lobbyist shall report the actual amount the lobbyist**  
18           **contributed to the expenditure. For purposes of reporting**  
19           **such an expenditure, the following apply:**

20               (A) For purposes of determining whether the expenditure  
21               is reportable, the total amount of the expenditure must be  
22               determined and not the amount that each lobbyist  
23               contributed to the expenditure.

24               (B) Each lobbyist shall report the actual amount the  
25               lobbyist contributed to the expenditure, even if that  
26               amount would not have been reportable under this section  
27               if only one (1) lobbyist made an expenditure of that  
28               amount.

29           **(7) A report of an expenditure is not required to include the**  
30           **cost of any of the following:**

31               (A) Overhead.

32               (B) Postage.

33               (C) Express mail service.

34               (D) Stationery.

35               (E) Facsimile transmissions.

36               (F) Telephone calls.

37               (G) The personal services of clerical and other support  
38               staff persons who are not lobbyists.

- 1                   **(H) Leasing or renting an office.**
- 2                   **(I) Lodging, meals, and other personal expenses of the**
- 3                   **lobbyist."**
- 4           Delete page 8.
- 5           Page 9, delete lines 1 through 14.
- 6           Page 10, line 2, delete "seven (7)" and insert "**fifteen (15)**".
- 7           Page 10, line 32, delete "seven (7)" and insert "**fifteen (15)**".
- 8           Page 11, line 39, after "made." insert "**The lobbyist must inform**
- 9           **the particular applicable individual the cost of the expenditure at**
- 10           **the time the lobbyist seeks the consent of the particular**
- 11           **individual."**
- 12           Page 24, line 5, after "to" delete "a" and insert "**the following:**
- 13                   **(1) A communication made by the governor concerning the**
- 14                   **public health or safety.**
- 15                   **(2) A communication:**
- 16                           **(A) that a compelling public policy reason justifies the state**
- 17                           **officer to make; and**
- 18                           **(B) the expenditure for which is approved by the budget**
- 19                           **agency after an advisory recommendation from the budget**
- 20                           **committee."**
- 21           Page 24, delete lines 6 through 7.
- 22           Page 24, delete lines 20 through 42.

- 1 Delete page 25.
- 2 Page 26, delete lines 1 through 9.
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 114 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 12, Nays 0.

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**Long**

**Chairperson**